

60130-1215
01MRA0354**REMARKS**

Applicant wishes to thank the Examiner for the detailed remarks. Claims 1, 2, 5, 9, and 13 have been amended and claims 3 and 4 have been canceled. New claims 18-24 are presented. Accordingly, claims 1, 2 and 5-24 are pending.

Claims 1-4 and 6, were rejected under 35 U.S.C. §102(c) as being anticipated by *Denne* (6,268,667.) Applicant respectfully traverses this rejection. *Denne* discloses that the magnets of the rotor are within the cylinder which is a more complicated arrangement requiring a multiple of seals, etc. *Denne* fails to disclose external mounting as recited in the amended claim 1. All claims are allowable.

Claims 8,9, 11 and 13-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Stephan* (6,263,556) in view of *Denne* (6,268,667). Applicant respectfully traverses these rejections as there is absolutely no teaching, suggestion, or motivation to modify *Stephan* in view of *Denne* as proposed.

Stephan discloses passive temperature compensation of gas spring struts using a temperature compensating device 80 and conventional strut 81. "The key to the improved temperature compensating ability of the device 21 lies in the choice of the gas used within chamber 36." [See Col. 3:66-4:1]

Stephan is in no way concerned - nor does *Stephan* even mention - a linear electric motor. *Denne* makes no reference to a multiple of gases or to temperature compensation. Neither reference alone or in combination discloses, suggests or teaches the use of a gas spring and a linear electric motor mounted thereto along a common axis as claimed in the present invention. The only motivation to make the combination as proposed is by following the knowledge disclosed within the present invention. This is impermissible usage of Hindsight in an attempt to recreate Applicants device. Accordingly, claims 8,9, 11 and 13-16 are properly allowable.

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Furthermore, there is no benefit in combining *Stephan* with *Denne* as temperature compensation is not required for an active powered system such as that disclosed in *Denne*. That is, *Denne* is actively powered and as such would add nothing to a gas spring which is passively compensated for temperature by using a multiple of gases - which interact with a piston in different ways depending on temperature.

New claims 18-24 recite further features of the present invention which are neither disclosed nor suggested by the cited references and are thus properly allowable.

Please charge \$90.00 to Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, for five claims in excess of 20. If any additional fees or extensions of time are required, please charge to Deposit Account No. 50-1482.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.



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Dated: July 8, 2003

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